

1 Hon. Jamal N. Whitehead  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 SEATTLE SCHOOL DISTRICT NO. 1,  
10 Plaintiff/Counterclaim Defendant,

11 v.  
12 KURT BENSHOOF,  
13 Defendant/Counterclaim Plaintiff,  
14

15 A.R.W. By and Through His Father,  
KURT BENSHOOF,

16 Counterclaim Plaintiff  
17 v.

18 KING COUNTY,  
NATHAN L. CLIBER,  
MAGALIE E. LERMAN,  
SARAH E. SPIERLING MACK,  
GREGORY C. NARVER,  
JESSICA R. OWEN,  
BLAIR M. RUSS,

19  
20  
21  
22  
23  
24 Counterclaim Defendants.  
25

Case No. 2:23-cv-01829-JNW

COUNTERCLAIM PLAINTIFFS'  
MOTION FOR DISTRICT COURT TO  
ENTERTAIN THEIR MOTION TO  
VACATE (Dkt. #75)

NOTE ON MOTION CALENDAR:  
February 27, 2025

**REQUEST FOR ORAL ARGUMENT**

## I. RELIEF REQUESTED

Defendant/Counterclaim Plaintiff Kurt Benshoof (“Benshoof”) and A.R.W., by and through his father, move the court to entertain their Motion to Vacate. (Dkt. #75)

## II. STATEMENT OF FACTS

1. Benshoof obtained newly discovered evidence of perjury, subornation of perjury, and extrinsic fraud by counterclaim defendants. (Dkt. #75)

2. On January 2, 2025, Benshoof moved the Ninth Circuit Court of Appeals for a stay while Benshoof’s multiple motions to vacate are being adjudicated. (9<sup>th</sup> Cir. No. 24-5188, DktEntry 11, pg. 3)

3. On or around January 29, 2025, Benshoof finally obtained the emails between counterclaim defendants Gregory Narver (“Narver”) and Nathan Cliber (“Cliber”) in regard to phone calls that took place between Narver, Cliber, and Blair Russ (“Russ”).

4. Benshoof first learned of the existence of these emails and phone calls when counterclaim defendant Sarah Mack (“Mack”) initiated the instant case with the petition for declaratory judgement, stating, “Seattle Public Schools has been **asked by attorneys** for [CC Def. Jessica R. Owen] not to disclose information that would allow [Benshoof] to locate [Owen] and her son out of fear for their physical safety (Dkt. #3, pg. 2 ¶3)

1       5. In these emails, attached hereto as Appendix A, after Russ called Narver  
 2 on or around October 16, 2023, Narver wrote an email to Cliber on October 17, 2022,  
 3 which stated in part:  
 4

5       "The question I have is whether there are any court orders in place that would  
 6 restrict what records Seattle Public Schools can provide to Mr. Benshoof. As a  
 7 parent, he is generally entitled to receive records relating to his son's education,  
 8 which ***we are required to produce to him*** under the Family Educational  
 9 Rights and Privacy Act. This would include records that identify a new school  
 10 that the student may be attending to which his Seattle Public Schools records  
 11 would have been sent. From my conversation with Blair Russ, it sounded as  
 12 though there may be a court order restricting Mr. Benshoof's right to know what  
 13 school his son is presently attending, which could in turn restrict our usual  
 14 obligation to provide records to a parent. Mr. Russ suggested I contact you  
 15 about this.

16       Is this something you can help me with? Happy to talk later today if there's a  
 17 convenient time for you." (***emphasis*** added) (Appendix A, pg. 0004)

18       6. To date, counterclaim defendants have not provided this Court with  
 19 evidence that any of the allegedly valid family court restraining orders obtained by  
 20 Owen prohibited Benshoof from knowing which school A.R.W. was attending.

21       7. To date, counterclaim defendants have not provided this Court with  
 22 evidence that—even if the family court restraining orders were not fraudulently  
 23 obtained by Cliber suborning the perjury of Jessica Owen (“Owen”) in extrinsic fraud  
 24 (Dkt. #75, ¶¶1-39)—RCW 26.09.225 would not prohibit counterclaim defendants from  
 25 denying Benshoof access to the school records of A.R.W. and thereby concealing which  
 26 school A.R.W. was attending.

27       8. To date, CC Defendants are still rendering criminal assistance to the  
 28 kidnapping of A.R.W. being perpetrated by Owen and Magalie E. Lerman.

### III. ARGUMENT

9. "The proper procedure, once an appeal has been taken, is to "ask the district court whether it wishes to entertain the motion, or to grant it, and then move this court, if appropriate, for remand of the case." *Scott v. Younger*, 739 F.2d 1464, 1466 (9<sup>th</sup> Cir. 1984)" *Gould v. Mut. Life Ins. Co. of New York*, 790 F.2d 769, 772 (9<sup>th</sup> Cir. 1986)

10. While Counterclaim Plaintiffs' motion to vacate was noted for hearing on February 6, 2025, this Court is without jurisdiction to grant *or deny* it until this Court rules upon the instant motion to determine whether it will entertain the motion to vacate.

## VERIFICATION

I, Kurt Benshoof, do hereby declare that the foregoing is true and correct to the best of my knowledge under penalty of perjury in the State of Washington. Executed this 6<sup>th</sup> day of February in the year 2025, in the city of Mountlake Terrace, in the county of Snohomish, in the state of Washington.

By:

Kurt Benshoof Plaintiff *pro se*

22701 42<sup>nd</sup> Place West  
Mountlake Terrace, WA 98043  
Phone: (425) 553-8112  
Email: kurtbenshoof@gmail.com

CP MOTION FOR DISTRICT COURT TO  
ENTERTAIN CP MOTION TO VACATE  
WAWD No. 2:23-cv-01829-JHC  
Page 4 of 5

Kurt Benshoof, Defendant/Co-Plaintiff  
22701 42<sup>nd</sup> Place West  
Mountlake Terrace, WA 98043  
(425) 553-8112  
[kurtbenshoof@gmail.com](mailto:kurtbenshoof@gmail.com)

# Appendix A

Thank for that! (I could use a punching bag over here. I've slammed my hand on my desk a couple of times, which just risks injury to myself.)

But I actually welcome his emails at this point. He is doing a wonderful job of creating a strong record as to why he should not be provided with information that would allow him to locate Ms. Owen or their son.

The biggest frustration I'm feeling is that with all the challenges facing Seattle Public Schools, I have to devote any time at all to dealing with this guy. At least it's now in the hands of outside counsel.

Best,  
Greg

---

**From:** Nathan Cliber <Nathan@seattledivorceservices.com>  
**Sent:** Wednesday, November 29, 2023 11:57 AM  
**To:** Narver, Gregory C <gcnarver@seattleschools.org>  
**Subject:** RE: Seattle Public Schools v. Benshoof

Roger that. I'm sure Blair sent it to Ms. Owen, so I'll leave that to him.

I'm sure Benshoof hit the roof when he learned about the lawsuit.

Keep me posted, as I'm sure you will. And, FWIW, feel free to reach out if you just need to vent about this guy. We literally installed a punching bag in our office as a result of dealing with him.

Thanks again.

**Nathan Cliber**  
Seattle Divorce Services  
2317 NW Market St.  
Seattle, WA 98107  
206-784-3049  
[Nathan@SeattleDivorceServices.com](mailto:Nathan@SeattleDivorceServices.com)

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**From:** Narver, Gregory C <gcnarver@seattleschools.org>  
**Sent:** Wednesday, November 29, 2023 9:42 AM  
**To:** Nathan Cliber <[Nathan@seattledivorceservices.com](mailto:Nathan@seattledivorceservices.com)>  
**Subject:** RE: Seattle Public Schools v. Benshoof

Absolutely. This was, I think, a necessary step. (Mr. Benshoof had a predictable reaction in a late-night email after we notified him about the lawsuit.)

I sent the complaint to Blair Russ as well. I think he was going to send it to Ms. Owen, but you might want to check in with him.

Best,  
Greg

**From:** Nathan Cliber <[Nathan@seattledivorceservices.com](mailto:Nathan@seattledivorceservices.com)>

**Sent:** Wednesday, November 29, 2023 8:51 AM

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Is it okay with you if I forward this to her and her civil attorney?

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**From:** Narver, Gregory C <[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)>

**Sent:** Tuesday, November 28, 2023 4:05 PM

**To:** Nathan Cliber <[Nathan@seattledivorceservices.com](mailto:Nathan@seattledivorceservices.com)>

**Subject:** Seattle Public Schools v. Benshoof

Nathan:

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Please do not hesitate to contact me if you have any questions, or if you would like to discuss this lawsuit.

Best,

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Gregory C. Narver

General Counsel

[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)

2445 3<sup>rd</sup> Ave. So.

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T: 206.252.0651  
C: 206.867.337



November 28, 2023

**Via Email**

Kurt Benshoof  
1716 N. 128th Street  
Seattle, WA 98133  
[kurtbenshoof@gmail.com](mailto:kurtbenshoof@gmail.com)

Re: *Seattle School District No. 1 v. Benshoof*  
U.S. District Court for the Western District of Washington

Dear Mr. Benshoof:

This letter responds to your email to me dated October 17, 2023, requesting all records of your son, Azhrael Rune Walker, in the possession of Seattle Public Schools (SPS).

SPS is sending you, in a separate communication, electronic copies of your son's educational records. As you will see, some information has been redacted from those records, as authorized by law.

I want to call your attention to one specific piece of information that has been redacted. You have requested information as to where your son's records were forwarded after he completed the 8th grade at Jane Addams Middle School. SPS has redacted that location from the records being provided to you.

You have made clear in your communications that you believe you are legally entitled to that information. SPS does not agree. We do not believe that we are required to produce this information to you under the Family Privacy Educational Rights and Privacy Act (FERPA), and further believe that the information is properly withheld under the terms of the Restraining Order entered against you by King County Superior Court Judge David Keenan. Specifically, Judge Keenan's order included a finding that you represent "a credible threat to the physical safety" of Jessica Owen, your son's mother. It further prohibits you from harassing or stalking Ms. Walker or your son.

Because there is an actual controversy between you and SPS regarding SPS's duties under FERPA with respect to this information, SPS has filed today a Complaint in the United

**Gregory C. Narver**  
General Counsel

John Stanford Center for Educational Excellence \* [genarver@seattleschools.org](mailto:genarver@seattleschools.org)  
Mailing Address: MS 32 – 151 \* PO BOX 34165 \* Seattle, WA \* 98124-1165 \* 206-252-0651

States District Court for the Western District of Washington. That Complaint is being sent to you under separate cover by SPS's litigation counsel, Sarah Mack. As you will see, SPS is asking the Court to decide the scope of its disclosure obligations under FERPA and under the Restraining Order.

Ms. Mack will also be sending you a Summons and a form titled "Waiver of the Service of Summons." Information regarding your options regarding waiver of formal service of process will be provided to you by Ms. Mack.

Please address all future communications concerning this matter to Ms. Mack.

Sincerely,

*Gregory C. Narver*

Gregory C. Narver  
General Counsel

cc: Sarah Mack, Pacifica Law Group

**Gregory C. Narver**  
**General Counsel**

John Stanford Center for Educational Excellence \* genarver@seattleschools.org  
Mailing Address: MS 32 – 151 \* PO BOX 34165 \* Seattle, WA \* 98124-1165 \* 206-252-0651

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**From:** "Narver, Gregor C." <gcnarver@seattleschools.org>  
**To:** "nathan@seattledivorceservices.com" <nathan@seattledivorceservices.com>  
**Subject:** Kurt Benshoof  
**Sent:** Tue 10/17/2023 12:20:20 AM

Hi Nathan. I'm the General Counsel for Seattle Public Schools, and I've been receiving a flurry of emails from Kurt Benshoof concerning his son that I'd like to discuss with you, if you have a moment. (I spoke to Blair Russ earlier today, and he suggested I call you.)

I'm available most of the day tomorrow if you get a chance to call.

Thanks,  
Greg Narver



Gregory C. Narver  
General Counsel  
[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)  
2445 3<sup>rd</sup> Ave. So.  
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C: 206.867.337

Hi Nathan. Unfortunately, your email went into my Junk folder, and for some reason your call didn't come through on my cell. I just got the voicemail you left on my office phone. (I'm working from home this morning.)

The question I have is whether there are any court orders in place that would restrict what records Seattle Public Schools can provide to Mr. Benshoof. As a parent, he is generally entitled to receive records relating to his son's education, which we are required to produce to him under the Family Educational Rights and Privacy Act. This would include records that identify a new school that the student may be attending to which his Seattle Public Schools records would have been sent. From my conversation with Blair Russ, it sounded as though there may be a court order restricting Mr. Benshoof's right to know what school his son is presently attending, which could in turn restrict our usual obligation to provide records to a parent. Mr. Russ suggested I contact you about this.

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C: 206.867.3379

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**From:** Nathan Cliber <Nathan@seattledivorceservices.com>  
**Sent:** Tuesday, October 17, 2023 9:18 AM  
**To:** Narver, Gregory C <gcnarver@seattleschools.org>  
**Subject:** RE: Kurt Benshoof

Hi Greg,

I just tried calling both your numbers. Left a message on what I assume is your office line. I'm around on and off most of today if you want to try giving me a call back, but the next 30 min or so would be best.

I should give you a heads up: I no longer represent Ms. Owen. I've formally withdrawn from the long-concluded family law case, and I never represented her in any other matters. So I'm likely limited in terms of what kind of help I can offer.

Still, I'm happy to talk with you. I understand what it's like to be on the receiving end of Mr. Benshoof's attacks and agitations.

Best,

**Nathan Cliber**  
Seattle Divorce Services  
2317 NW Market St.  
Seattle, WA 98107  
206-784-3049  
[Nathan@SeattleDivorceServices.com](mailto:Nathan@SeattleDivorceServices.com)

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---

**From:** Narver, Gregory C <[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)>

**Sent:** Monday, October 16, 2023 5:20 PM

**To:** Nathan Cliber <[Nathan@seattledivorceservices.com](mailto:Nathan@seattledivorceservices.com)>

**Subject:** Kurt Benshoof

Hi Nathan. I'm the General Counsel for Seattle Public Schools, and I've been receiving a flurry of emails from Kurt Benshoof concerning his son that I'd like to discuss with you, if you have a moment. (I spoke to Blair Russ earlier today, and he suggested I call you.)

I'm available most of the day tomorrow if you get a chance to call.

Thanks,  
Greg Narver



Gregory C. Narver  
General Counsel  
[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)  
2445 3<sup>rd</sup> Ave. So.  
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C: 206.867.3379

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Subject: RE: Kurt Benshoof  
Sent: Tue 10/17/2023 6:50:26 PM

[Owen - Final Findings - Cert. - 2022\\_10\\_21.PDF](#)  
[Owen - Final Parentage Order - Cert. - 2022\\_10\\_21.PDF](#)  
[Owen - Final Restraining Order 2022\\_10\\_21.PDF](#)

Hi Greg,

I'm happy to help. Here are the final orders from the Parentage Case, including the Restraining Order. I'm going to call you in a moment here to talk this through with you. I'll call your cell. The number will show up as blocked. You can also call me at my office and I'm happy to chat with you.

Best,

**Nathan Cliber**

Seattle Divorce Services

[2317 NW Market St.](#)

[Seattle, WA 98107](#)

[206-784-3049](#)

[Nathan@SeattleDivorceServices.com](mailto:Nathan@SeattleDivorceServices.com)

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---

**From:** Narver, Gregory C <gcnarver@seattleschools.org>

**Sent:** Tuesday, October 17, 2023 10:49 AM

**To:** Nathan Cliber <Nathan@seattledivorceservices.com>

**Subject:** RE: Kurt Benshoof

Hi Nathan. Unfortunately, your email went into my Junk folder, and for some reason your call didn't come through on my cell. I just got the voicemail you left on my office phone. (I'm working from home this morning.)

The question I have is whether there are any court orders in place that would restrict what records Seattle Public Schools can provide to Mr. Benshoof. As a parent, he is generally entitled to receive records relating to his son's education, which we are required to produce to him under the Family Educational Rights and Privacy Act. This would include records that identify a new school that the student may be attending to which his Seattle Public Schools records would have been sent. From my conversation with Blair Russ, it sounded as though there may be a court order restricting Mr. Benshoof's right to know what school his son is presently attending, which could in turn restrict our usual obligation to provide records to a parent. Mr. Russ suggested I contact you about this.

Is this something you can help me with? Happy to talk later today if there's a convenient time for you.

Thanks,

Greg



Gregory C. Narver  
General Counsel  
[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)  
2445 3<sup>rd</sup> Ave. So.  
Seattle, WA 98134

---

**From:** Nathan Cliber <[Nathan@seattledivorceservices.com](mailto:Nathan@seattledivorceservices.com)>  
**Sent:** Tuesday, October 17, 2023 9:18 AM  
**To:** Narver, Gregory C <[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)>  
**Subject:** RE: Kurt Benshoof

Hi Greg,

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Still, I'm happy to talk with you. I understand what it's like to be on the receiving end of Mr. Benshoof's attacks and agitations.

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**From:** Narver, Gregory C <[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)>  
**Sent:** Monday, October 16, 2023 5:20 PM  
**To:** Nathan Cliber <[Nathan@seattledivorceservices.com](mailto:Nathan@seattledivorceservices.com)>  
**Subject:** Kurt Benshoof

Hi Nathan. I'm the General Counsel for Seattle Public Schools, and I've been receiving a flurry of emails from Kurt Benshoof concerning his son that I'd like to discuss with you, if you have a moment. (I spoke to Blair Russ earlier today, and he suggested I call you.)

I'm available most of the day tomorrow if you get a chance to call.

Thanks,  
Greg Narver



Gregory C. Narver  
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Yup. That's why we got the punching bag! I totally bruised my hand on my own desk.

And I'm glad you've reached that place with his emails. I got there myself.

Hang in there. I suspect we'll be in touch again soon enough.

**Nathan Cliber**

Seattle Divorce Services

2317 NW Market St.

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---

**From:** Narver, Gregory C <gcnarver@seattleschools.org>

**Sent:** Wednesday, November 29, 2023 12:02 PM

**To:** Nathan Cliber <Nathan@seattledivorceservices.com>

**Subject:** RE: Seattle Public Schools v. Benshoof

Thank for that! (I could use a punching bag over here. I've slammed my hand on my desk a couple of times, which just risks injury to myself.)

But I actually welcome his emails at this point. He is doing a wonderful job of creating a strong record as to why he should not be provided with information that would allow him to locate Ms. Owen or their son.

The biggest frustration I'm feeling is that with all the challenges facing Seattle Public Schools, I have to devote any time at all to dealing with this guy. At least it's now in the hands of outside counsel.

Best,  
Greg

---

**From:** Nathan Cliber <Nathan@seattledivorceservices.com>

**Sent:** Wednesday, November 29, 2023 11:57 AM

**To:** Narver, Gregory C <gcnarver@seattleschools.org>

**Subject:** RE: Seattle Public Schools v. Benshoof

Roger that. I'm sure Blair sent it to Ms. Owen, so I'll leave that to him.

I'm sure Benshoof hit the roof when he learned about the lawsuit.

Keep me posted, as I'm sure you will. And, FWIW, feel free to reach out if you just need to vent about this guy. We literally installed a punching bag in our office as a result of dealing with him.

Thanks again.

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---

**From:** Narver, Gregory C <[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)>

**Sent:** Wednesday, November 29, 2023 9:42 AM

**To:** Nathan Cliber <[Nathan@seattledivorceservices.com](mailto:Nathan@seattledivorceservices.com)>

**Subject:** RE: Seattle Public Schools v. Benshoof

Absolutely. This was, I think, a necessary step. (Mr. Benshoof had a predictable reaction in a late-night email after we notified him about the lawsuit.)

I sent the complaint to Blair Russ as well. I think he was going to send it to Ms. Owen, but you might want to check in with him.

Best,

Greg

---

**From:** Nathan Cliber <[Nathan@seattledivorceservices.com](mailto:Nathan@seattledivorceservices.com)>

**Sent:** Wednesday, November 29, 2023 8:51 AM

**To:** Narver, Gregory C <[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)>

**Subject:** RE: Seattle Public Schools v. Benshoof

Thanks for sending this over, Greg. And thank you, again, for your work protecting Ms. Owen and her son.

Is it okay with you if I forward this to her and her civil attorney?

**Nathan Cliber**

Seattle Divorce Services

2317 NW Market St.

Seattle, WA 98107

206-784-3049

Nathan@SeattleDivorceServices.com

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---

**From:** Narver, Gregory C <[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)>

**Sent:** Tuesday, November 28, 2023 4:05 PM

**To:** Nathan Cliber <[Nathan@seattledivorceservices.com](mailto:Nathan@seattledivorceservices.com)>

**Subject:** Seattle Public Schools v. Benshoof

Nathan:

0020

Following up on our recent phone call, I wanted you to be aware that Seattle Public Schools filed the attached complaint in federal court today, seeking declaratory relief regarding its disclosure obligations under the Family Educational Rights & Privacy Act.

Please do not hesitate to contact me if you have any questions, or if you would like to discuss this lawsuit.

Best,  
Greg



Gregory C. Narver  
General Counsel  
[gcnarver@seattleschools.org](mailto:gcnarver@seattleschools.org)  
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## CERTIFICATE OF SERVICE

Counterclaim Plaintiff Kurt Benshoof hereby certifies that on February 6, 2025, he did electronically file the foregoing Amended Counterclaim with the Clerk of Court by using the CM/ECF system, which will send notice of electronic filing to all counsel of record, and by email to the addresses listed below.

**Counsel For Defendants**  
**Sarah Mack and Gregory Narver:**  
Jessica Skelton, WSBA #36748  
1191 Second Avenue  
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Email: [jessica.skelton@pacificlawgroup.com](mailto:jessica.skelton@pacificlawgroup.com)  
Phone: (206) 245-1700

**Counsel for Defendant**  
**Nathan Cliber:**  
Michael C. Tracy, WSBA #51226  
Sarah N. Turner, WSBA #37748  
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Email: sturner@grsm.com  
Email: mtracy@grsm.com  
Phone: (206) 695-5178

**Counsel for Defendant**  
**Seattle School District No. 1:**  
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1191 Second Avenue  
Suite 2000  
Seattle, WA 98101  
Email: [sarah.mack@pacificalawgroup.com](mailto:sarah.mack@pacificalawgroup.com)  
Phone: (206) 245-1700

DATED: February 6, 2025

Signed: s/ Kurt Benshoof  
Kurt Benshoof, *Pro Se*

CP MOTION FOR DISTRICT COURT TO  
ENTERTAIN CP MOTION TO VACATE  
WAWD No. 2:23-cv-01829-JHC  
Page 5 of 5

Kurt Benshoof, Defendant/Co-Plaintiff  
22701 42<sup>nd</sup> Place West  
Mountlake Terrace, WA 98043  
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[kurtbenshoof@gmail.com](mailto:kurtbenshoof@gmail.com)